

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BRIAN E. SCHMIEGE,

Plaintiff,

-against-

19 **CIVIL** 7229 (PMH)

JUDGMENT

DEPUTY OF HEALTH HENTON and DR.
ALAM,

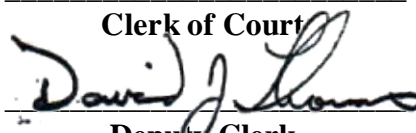
Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated January 20 2021, For the reasons stated in the Memorandum Opinion and Order, the Court dismisses Plaintiff's Complaint. While "[d]istrict courts should frequently provide leave to amend before dismissing a *pro se* complaint . . . leave to amend is not necessary when it would be futile." *Reed v. Friedman Mgt. Corp.*, 541 F. App'x 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). Here, any amendment would be futile as Plaintiff cannot establish that his medical conditions implicate the protections of the Fourteenth Amendment; accordingly, this action is case is closed.

Dated: New York, New York
January 21, 2021

RUBY J. KRAJICK

BY: 
Clerk of Court
Deputy Clerk